



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,219	03/09/2004	Yasuhito Inagaki	09792909-5822	2711

26263 7590 11/15/2005

SONNENSCHN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

EXAMINER

BOYKIN, TERRESSA M

ART UNIT	PAPER NUMBER
----------	--------------

1711

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,219

Applicant(s)

INAGAKI ET AL.

Examiner

Terressa M. Boykin

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 13 and 14 is/are allowed.
- 6) ☒ Claim(s) 9, 10, 15-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10-31-05</u> | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed 9-8-05 have been fully considered but they are not persuasive. The argument that the composition of the reference does not contain the specific limitations, i.e. 20%-70% by mass in the total amount....etc., is understood but not sufficient since applicants claim, *as currently written*, is not limited to this and may, *as written*, be interpreted likewise.

35 USC 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-10,15-29 are rejected under 35 U.S.C. 103(a) as being unpatentable US 20040161690 see abstract, pages 1-6, figures 1A and 1B; further in view of USP 5859071.

US 20040161690 discloses an information recording medium and method of producing the same.

FIGS. 1A and 1B are schematic perspective views showing one example of the structure of an information recording medium according to the present invention.

FIG.1A

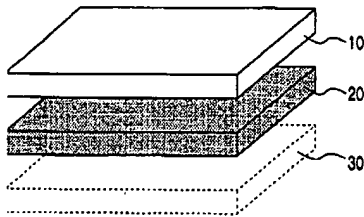
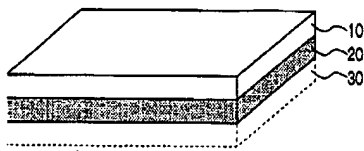


FIG.1B



The reference discloses that, as the substrate, plastic films are typically used. Among these plastic films, light transmittable films usable as an OHP film such as a polyacetate film, cellulose triacetate film, nylon film, polyester film, polycarbonate film, polystyrene film, polyphenylene sulfide film, polypropylene film, polyimide film, cellophane and ABS (acrylonitrile-butadiene-styrene) resin film may be preferably used.

Among the aforementioned various plastic films, a polyester film, particularly, those called PETG obtained by replacing about one-half of an ethylene glycol component of PET (polyethylene terephthalate) with a 1,4-cyclohexanemethanol component, those alloyed by mixing polycarbonate with the aforementioned PET and amorphous type polyesters called A-PET which is not biaxially oriented are more preferably used.

In a case where embossing processing is not to be applied, a conventional biaxial oriented PET (polyethylene terephthalate) film and the like may be used. However, embossing processing is essential in many cases to retain the functions of conventional cards. At present, therefore, ABS films and polyolefin resin films which are softened at relatively low temperatures, modified PET resin films called PETG and integrally formed films of a modified PET film and a PET film, an amorphous PET resin film or a

polycarbonate resin film come to be used.

The reference discloses that a substrate 3 is obtained in the same manner as in Example 1 except that 7 parts of a transparent high-molecular conductive agent, 3 parts of a surfactant, and 90 parts of an alloy resin of PETG and polycarbonate are used as the substrate material.

In view of the reference above, with regard to applicants' claims 9, 12, 21, 23, 26, 27 note that a two-color molding article is an inherent cosmetic feature a recording medium which may be a cassette player, video game etc. and thus would anticipate applicants' recited two color molded article.

With regard to applicants' claim 29 note that the recording medium such as a video cassette players, video game, etc. and thus would anticipate applicants' recited electronic and electric appliance.

Consequently, with regard to claims 9-10, 15-29 the reference discloses a recording medium article prepared from the same components and amounts as claimed by applicants except for fact that the polyethylene terephthalate was retrieved from a recovery method. Nevertheless, it is noted that plastic recycling up to the present time has focused mainly on plastics packaging and primarily on plastic bottles and containers. It is well known in the art that technology for the reclamation of **polyethylene terephthalate (PET)** bottles has been developed due to their high volume in the post consumer waste stream; similar technology also exists for **reclaiming other plastics bottles**, film and molded fabricated parts. PET is currently the major recyclable plastic material, **US 5859071** acknowledges that there has been

increasing interest in the recycling of the commingled plastics waste of automobiles.

The different engineering plastics used in various parts of an automobile include polycarbonate, nylons, **polyethylene terephthalate**, **acrylonitrile-butadiene-styrene**, etc.

Consequently, in view of the common use of the polyethylene terephthalate and acrylonitrile-butadiene-styrene alloy mixture in recording mediums, as shown by the various references above, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a scrap or waste product polyethylene terephthalate moiety in the production thereof since such has been the primary focus in industry to employ waste product bottle or polyethylene terephthalate for use in secondary compositions or products.

Claims 9-10, 15-29 are rejected under 35 U.S.C. 103(a) as being unpatentable US Pub 20040137321 see claim 18, abstract, and figures 1 and 2.

The reference discloses a casing for an energy storage device made of the materials as claimed by applicants.

FIGS. 1 and 2 of the reference illustrate a casing for an energy storage device in which the structural shell 12 is made of molded plastic material having the requisite strength characteristics such as polybutylene terephthalate (PBT), polyethylene, polyethylene terephthalate (PET) polyamide, polypropylene, polyvinyl chloride (PVC) or acrylonitrile butadiene styrene (ABS), amongst other possibilities. Note that claim 18 of the reference is directed to a casing as defined in claim 1 wherein said structural shell is made of a material selected from the group consisting of polybutylene terephthalate (PBT), polyethylene, polyethylene terephthalate (PET) polyamide, polypropylene,

Art Unit: 1711

polyvinyl chloride (PVC) and acrylonitrile butadiene styrene (ABS), combinations thereof, and PolyPhenylene Ether and Polystyrene blend (PPE+PS).

*Note that in each instance (terephthalate is misspelled in the reference, however, it is properly defined as PBT).

It would have been obvious to one having ordinary skill in to employ the casing for a recording medium since such as is not limited to the use of an energy storage device. Vice versa, there exist no claim disguising features, structure, or characteristics of the casing of the claimed invention other than the materials used that would limit it to the use of only recording material.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence

Art Unit: 1711

Please note that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site (www.uspto.gov), from the Office of Public Records and from commercial sources. Applicants may be referred to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Terressa Boykin whose telephone number is 571 272-1069. The examiner can normally be reached on Monday through Friday from 6:30am to 3:00pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. The general information number for listings of personnel is (571-272-1700).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tmb


Examiner Terressa Boykin

TERRESSA M. BOYKIN
PRIMARY EXAMINER